



**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
U. S. Probation Office**

RECEIVED

JERROLD G. COOLEY
Chief U.S. Probation Officer
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June 10, 2008

CLERK, U.S. DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA

Reply to:

JUN 11 2008 2525 4th Avenue North - Suite 100
Billings, MT 59101
(406) 657-6287
Fax - (406) 657-6291

MEMORANDUM

TO: Clerk of U.S. District Court
Room 370, Federal Building
P.O. Box 8537
Missoula, MT 59807

FROM: Brian Farren
U.S. Probation Officer
Billings, MT

RE: John Patrick McGuire
CR 95-117-BLG-DWM
Request for Modifying Conditions

FILED

JUN 13 2008

PATRICK E. DUFFY, CLERK
By DEPUTY CLERK, MISSOULA

Please forward the enclosed Request to Modify Conditions (with attached Waiver) to the Honorable Donald W. Molloy for his approval/signature and return a signed copy to the U.S. Probation Office, Attention Brian Farren, 2525 4th Avenue North, Suite 100, Billings, MT 59101.

Thank you for your attention to this matter. If you have questions, please call (406) 657-6289.

/bkc

United States District Court

for

the District of Montana

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
May 22, 2008

Name of Offender: JOHN PATRICK MCGUIRE

Case Number: CR-95-117-BLG-DWM-09

Name of Sentencing Judicial Officer: Honorable John C. Coughenour

Date of Original Sentence: March 16, 1999 (amended on March 24, 2008)

Original Offense: Bank Fraud; Hobbs Act Violations; Felon in Possession of a Firearm; and Use of a Firearm During a Crime of Violence

Original Sentence: 180 months followed by 5 years supervised release; amended on March 24, 2008 to 120 months credit for time served and 5 years supervised release

Date Supervision Commenced: March 24, 2008

Date Jurisdiction Transferred to District of Nevada: N/A

PETITIONING THE COURT

 To extend the term of supervision Months, for a total term of Months.

✓ To modify the conditions of supervision as follows:

1. **Mental Health Treatment** - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, medication management, outpatient counseling or residential placement, as approved and directed by the probation officer. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation officer based upon your ability to pay.

RE: JOHN PATRICK MCGUIRE

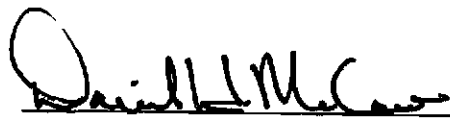
CAUSE

On March 16, 1999, John Patrick McGuire was sentenced in the District of Montana to a total of 180 months imprisonment for Bank Fraud, Hobbs Act Violations, Use of a Firearm During a Crime of Violence, and Felon in Possession of a Firearm. Following appeal, the Court issued an amended judgement on March 24, 2008, sentencing the offender to a term of 120 months credit for time served, resulting in his immediate release from custody to a term of five years supervised release. Mr. McGuire released to the District of Nevada and has been supervised by the Probation Office located in Reno, Nevada.

Since his release from custody, Mr. McGuire has lived with his 60-year-old sister, Maureen McGuire, in Silver Springs, Nevada; a remote rural area approximately 60 miles from the Probation Office in Reno. He has been cooperative and compliant with the terms of his supervision. He has a number of physical and health-related problems for which he is seeking medical treatment including problems with his eyesight. He has applied for medicaid and has been spending all of his time at home alone, as he does not drive and his sister works in nearby Dayton, Nevada.

Upon further evaluation and discussions with Mr. McGuire, our office is recommending that Mr. McGuire participate in mental health treatment, as he appears to exhibit signs of Post-Traumatic Stress Disorder and Paranoia. Mr. McGuire has expressed an interest in participating in mental health counseling and it appears that a referral for mental health treatment would be appropriate. Therefore, our office is requesting that Mr. McGuire's conditions of supervision be amended to include this condition. Mr. McGuire has consented to this modification for a which a Prob 49, Waiver of Hearing, is attached.

Respectfully submitted,



DANIEL H. McCAW
United States Probation Officer

APPROVED:



RICK L. OEHLERKING
Supervising United States Probation Officer

RE: JOHN PATRICK MCGUIRE

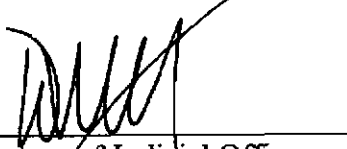
THE COURT ORDERS:

_____ No action

_____ The extension of supervision as noted above

☒ The modification of conditions as noted above

_____ Other



Signature of Judicial Officer



Date

June 13, 2008

UNITED STATES DISTRICT COURT

District of Montana

Waiver of Hearing to Modify Conditions
of Supervised Release

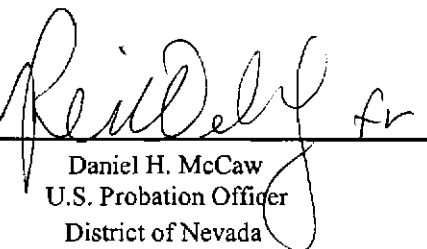
RE: MCGUIRE, John Patrick
Case No. CR-95-117-BLG-DWM-09

I, John Patrick McGuire, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

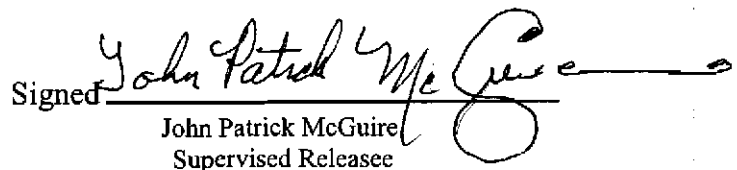
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release:

1. Mental Health Treatment - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, medication management, outpatient counseling or residential placement, as approved and directed by the probation officer. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation officer based upon your ability to pay.

Witness


Daniel H. McCaw
U.S. Probation Officer
District of Nevada

Signed


John Patrick McGuire
Supervised Releasee

May 22, 2008

Date